

UNITED STATES FEDERAL COMMUNICATIONS COMMISSION

In the Matter of:)

WT DOCKET No.: 02-28

Application of)
ALEE CELLULAR COMMUNICATIONS)

File No.: 11025-CL-P-672-A-89

For Authorization to Construct)
Nonwire Cellular System in)
Texas RSA 21 Market 672A)

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ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of:) WT DOCKET No.: 02-28
)
Application of)
ALEE CELLULAR COMMUNICATIONS) File No.11025-CL-P-672-A-89
)
For Authorization to Construct)
Nonwire Cellular System in)
Texas RSA 21 Market 672A)

TWA-363
445 12th Street, S.W.
Washington, D.C.

Tuesday,
April 2, 2002

The parties met, pursuant to the notice of the
Judge or Commission, at 9:34 a.m.

BEFORE: HONORABLE ARTHUR I. STEINBERG
Administrative Law Judge

APPEARANCES:

On behalf of Alee Cellular Communications:

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On Behalf of Federal Communications Commission:

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APPEARANCES (Continued):

On behalf of Ranger Cellular and Miller
Communications, Inc.:

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P R O C E E D I N G S

(9:34 a.m.)

JUDGE STEINBERG: We are on the record now. This is a prehearing conference in WT Docket No. 02-28, involving the application of Alee Cellular Communications. Did I pronounce that correctly?

MR. HILL: Yes.

JUDGE STEINBERG: Alee Cellular Communications for authorization to construct a nonwire line cellular system in Texas. The Commission designated this case for Hearing by memorandum opinion and order, hearing designation order, and notice of opportunity for hearing, FCC 02-36, released February 22, 2002. By order released on March 5, 2002, the chief administrative law judge assigned this case to me and set today as the date for the initial prehearing conferences.

Let me first take the appearances of the parties. For Alee Cellular Communications?

MR. HILL: David Hill and Audrey Rasmussen.

JUDGE STEINBERG: For the Chief Enforcement Bureau, FCC?

MS. LANCASTER: Judy Lancaster.

MR. DE JESUS: And Gilberto De Jesus.

JUDGE STEINBERG: Okay. I know Mr. Evans from years past. I am not going to ask you for your appearance

1 because you are not a party.

2 MR. EVANS: Right. I didn't know whether you
3 would want to make sort of a special appearance for purposes
4 of the petition if we file to intervene, or how you wanted
5 to handle that.

6 JUDGE STEINBERG: Well, we will just handle it as
7 if you are not a party.

8 MR. EVANS: Well, one thing that I might ask, if
9 the plan today is to set some dates, in the event that we
10 are admitted as a party, which I think that we should be, we
11 could have some input into the scheduling and so forth.

12 JUDGE STEINBERG: Well, what I will do is we will
13 set the dates and if your petition for leave to intervene is
14 granted, we will have another prehearing conference, and we
15 will do this again. But, as far as today goes, you were not
16 a party. As much as I am personally fond of you from all
17 our experiences in years past when we both were a little bit
18 younger --

19 MR. EVANS: Am I younger?

20 (Laughter)

21 JUDGE STEINBERG: Well, I am just -- it is
22 essentially -- well, I am not going to take your client's
23 interest into consideration this morning. We have two
24 parties today and that is it. If it is necessary -- and if
25 your petition is granted and you become a party, then we'll

1 have another conference if you want one, to set different
2 dates if you want them or a different discovery schedule.
3 But we will cross that bridge when we get there.

4 MR. EVANS: Okay. Thank you.

5 JUDGE STEINBERG: Sure. The first thing I want to
6 do is just note for the record that there is pending a
7 petition for leave to intervene that was filed on March 26,
8 2002, by Miller Communications, Inc., and Ranger Cellular.
9 Yesterday Alee Cellular Communications filed an opposition
10 to that petition.

11 Let me ask the bureau whether it intends to
12 comment on the petition for leave to intervene.

13 MS. LANCASTER: Your Honor, we are not prepared to
14 comment at this time because we just received the position
15 and we have not really had time yet to digest everything
16 before we can form an opinion.

17 JUDGE STEINBERG: Well, my calculation of the due
18 date -- the petition for leave to intervene was served by
19 mail on Alee. So, under 1.294, I think, you would have four
20 days plus three for mailing for the response. The due date
21 would be April 4th, I think, unless I am so stale and I am
22 reading the rules wrong, that is possible. So we will see
23 by -- so the due date would be Thursday, this Thursday.

24 The next thing I want to talk about: Is there any
25 questions about the scope of the issues?

1 MR. HILL: Your Honor, David Hill on behalf of
2 Alee. I don't have any question. But I want to state my
3 understanding, and if anyone disagrees with that. As I
4 understand the designation order, the issue is Alee's
5 qualifications to be a Commission licensee stemming back to
6 the previous proceeding where adverse findings were made
7 about -- during their character flaw decision. So I'm
8 assuming, under the designated issues and relying on the
9 broadcast character qualifications policy statement, that we
10 have an opportunity to present evidence of rehabilitation
11 consistent with and to be guided by the broadcast character
12 qualifications policy statement.

13 JUDGE STEINBERG: I am not going to comment on it
14 since you have got the burden and I think it would be
15 inappropriate for me to comment on it. If Ms. Lancaster or
16 Mr. De Jesus wants to do so, that is up to them.

17 MS. LANCASTER: No, Your Honor, I have no
18 response.

19 JUDGE STEINBERG: When I read the HDO, I just want
20 to put this out upfront. To me, there is an inconsistency
21 in paragraph 9 between the third and the seventh sentences,
22 if I counted correctly. The third sentence, the Commission
23 says that the applicant and licensee candor is fundamental,
24 that it goes to an applicant's overall qualifications, and
25 that such a matter is not limited to the merits of the

1 single application.

2 But in the seventh sentence, the Commission states
3 that this Hearing includes a determination of whether Alee's
4 disqualifying lack of candor in the Algrec case also
5 disqualifies Alee in this case. It seems to me in one
6 sentence the Commission is saying that it does; and, in the
7 other sentence, it says we are going to look into it. I
8 just want to point out it might not be an inconsistency. It
9 might be an inconsistency. But that kind of troubled me and
10 I do not really want to get into it at this juncture. But
11 it is something that the parties should consider later on
12 when they are preparing their cases or arguing their cases.

13 It also seems to me that the determination as to
14 whether Alee's disqualifying lack of candor in the Algrec
15 case also disqualifies Alee in this case is more a matter of
16 law than it is a fact. But, then again, that is something
17 that Mr. Hill and Ms. Rasmussen have to determine in
18 preparing their case, and the Bureau has to determine in --

19 I just wanted to put that out upfront as to what
20 my concerns appear to be. Also, I just want to make clear
21 that when the Commission, also in paragraph 9 in the last
22 sentence, sentence 8, said that this Hearing shall not be
23 used by Alee to relitigate the Algrec case. And I am not
24 going to permit that, period. Don't even try.

25 Anybody have any comments or questions about what

1 I just said? Okay.

2 Now let us go to discovery. Let me hear what the
3 parties' plans are with regard to discovery, first from Mr.
4 Hill.

5 MR. HILL: Your Honor, we have very limited
6 discovery against the Commission, against the Bureau. We
7 have the duty of going forward and the burden. I would not
8 -- the only thing I would want to know would be if the
9 Bureau has the identity of any witnesses. I assume that we
10 will set a schedule for exchange of any kind of documentary
11 evidence that may be introduced and we will get that in an
12 exchange in advance of the Hearing. So whether we can do
13 that informally, I would hope so. If the Bureau has got the
14 names of some witnesses that have information about the
15 possible rehabilitation of my client, I'd like to know that
16 in advance.

17 So very limited discovery. Perhaps it could be
18 done informally. I would have to do it by interrogatories
19 to the enforcement bureau. They asked for the identity of
20 any potential witnesses or persons that they know of that
21 may have information concerning Alee.

22 JUDGE STEINBERG: Okay. You should also know, and
23 I am sure you do, that a motion for production of documents
24 does not lie against the bureau.

25 MR. HILL: Yes.

1 JUDGE STEINBERG: Okay. Ms. Lancaster?

2 MR. HILL: I have to do that through the Freedom
3 of Information Act, if I choose to go that route.

4 MS. LANCASTER: Your Honor, I would expect that we
5 would like to have interrogatories, request for production,
6 perhaps request for admissions. At this point, I don't know
7 what we're going to get. So I don't know how extensive that
8 would be. It may be that we would like to take depositions.
9 At this point, I do not know what our funding will be,
10 whether or not we will be able financially to do that. So I
11 would like to at least have the interrogatories and the
12 request for production, so that if we don't get depositions
13 later, we will have been able to conduct some discovery.

14 JUDGE STEINBERG: Okay. Let me just make a
15 general statement with regard to discovery and that is: I
16 want the parties to make a good faith attempt to work out
17 any differences that they have between themselves. A
18 serious and genuine effort should be made to reach a
19 compromise with each other if you cannot agree. In all
20 likelihood, if you request a ruling from me, nobody is going
21 to be entirely happy. So it is probably better to work
22 things out between yourselves if you can do so.

23 Do not come to me for a ruling on any discovery
24 matter without first attempting to reach an agreement. In
25 this regard, any kind of motion that comes to me requesting

1 a discovery ruling should contain a certification by the
2 movant that a good faith attempt to work out the parties'
3 differences was made, but that it was unsuccessful.

4 Anything else that we need to talk about in terms
5 of discovery? Okay. Let us go to -- there is another
6 matter and this is with respect to service of documents.
7 Please fax or e-mail me a copy of everything that is filed
8 in the proceeding. If you want me to get a copy of a letter
9 -- for instance, Ms. Lancaster might want to write you, or
10 you might want to write Ms. Lancaster and carbon me. Either
11 fax it to me -- of course, you do not have to if you do not
12 want to. Fax it to me or e-mail it to me. Please, please,
13 please do not put it in the U.S mail because I had something
14 that was stuck in the mail like February 1st, and it did not
15 get to me until the middle of March. You cannot operate
16 that way. It is not the Postal Service's fault. It is the
17 people that flew airplanes into buildings fault.

18 So if you want to get something to me, it is
19 better to just messenger deliver it to whatever address. I
20 assume that you got the public notice. If something is hand
21 carried, it goes to one address. If it is Fed Ex, it goes
22 to another address and if it is mailed, it goes here. But
23 please do not mail it. I can not tell you not to do it, but
24 my preference is that it not be mailed.

25 MR. EVANS: Can I just ask something?

1 JUDGE STEINBERG: Sure, of course.

2 MR. EVANS: What is your e-mail and your fax?

3 JUDGE STEINBERG: It is Asteinbe, A-s-t-e-i-n-b-e,
4 @fcc.gov.

5 MR. EVANS: And the fax number?

6 JUDGE STEINBERG: (202) 418-0195. If you could
7 make it a Word attachment that would be helpful because then
8 I can just open it up in Word and save it. I do not usually
9 print them out because eventually I get a copy of it. I am
10 into saving paper.

11 The next thing I have is: Whether this case is
12 appropriate for a written direct case rather than presenting
13 witnesses for oral testimony? I kind of think it is. Let
14 me hear the parties' view of that.

15 MR. HILL: David Hill again. I, respectfully,
16 disagree. I don't think it is conducive to a written direct
17 case because credibility, I think, is a very important part
18 of my ability to show rehabilitation. I think we need to
19 call some live witnesses, have them here for you to observe
20 and make findings concerning their demeanor, credibility, et
21 cetera.

22 JUDGE STEINBERG: Well, could you put their direct
23 cases in writing, and then -- you know, like the old
24 broadcast cases used to be, put the direct cases in writing,
25 and then subject them to cross-examination. That seemed to

1 work pretty well in the past.

2 MR. HILL: We could do that. But I wonder whether
3 the prepared testimony is the best way for me to make the
4 showing that I contemplate trying to make.

5 JUDGE STEINBERG: Okay. Well, like I said, it is
6 your case. But, in my order, I am going to strongly
7 encourage the use of written direct cases. Then you can --
8 then it is up to you to do what you want to do. But I am
9 just trying to streamline things as much as possible.

10 Okay. Ms. Lancaster?

11 MS. LANCASTER: Your Honor, it's difficult to
12 assess at this point whether or not live testimony would be
13 necessary. I tend to generally agree that when the issue is
14 credibility that live testimony is necessary. However, it
15 may be that, as you suggested, they could file a direct
16 case; and, if we wanted live cross, we could do it that way.
17 That might serve the same purpose. So, at this time, we
18 don't -- however you want to do it.

19 JUDGE STEINBERG: Okay. Well, it is Mr. Hill's
20 direct. He has got the burden and I do not want to cut off
21 -- I do not want to say: You have to do it one way or you
22 have to do it the other way. I can just say what my
23 preference is and I have already expressed that. If you do
24 not want to do it that way, that is up to you. I am not
25 going to hold it against you.

1 MR. HILL: And, certainly, maybe it can be a
2 hybrid maybe. I can choose two or three witnesses that I
3 think may be the most critical, and others can be in written
4 direct testimony. I can find a balance approach if they
5 concur in the desire to streamline the proceeding.

6 JUDGE STEINBERG: Okay. Now I am going to give --
7 if there is a lot of oral testimony, I am going to give the
8 Bureau whatever time it needs to prepare to cross-examine.
9 I mean, usually if there is direct written testimony, you
10 just go -- you put the witness on and supplement the
11 testimony or whatever, and then there is immediate cross-
12 examination. But if there is direct -- if there is mostly
13 oral testimony, then the Bureau is going to get the time
14 that they need to prepare. If we have to recess for a
15 couple of hours or until the next day, then we are going to
16 do that. I think that is fair to the Bureau.

17 I will be candid with you. Generally, we do not
18 get -- in the traditional Hearing, we do not get much
19 straight oral testimony where you examine somebody orally;
20 and, then immediately, the other party gets up and crosses.

21 Okay. So I think I have beaten that one as much
22 as I can. Let us talk about procedural dates. I have a
23 schedule outlined here. Why don't we go off the record and
24 I will give you the dates. And then we can talk about them.
25 Let us go off the record a minute.

1 (Discussion off the record)

2 JUDGE STEINBERG: Okay. While we were off the
3 record, we sort of agreed on the following dates: May 24,
4 2002, for a completion of all discovery. I explained that
5 completion means that everything is finished, not that the
6 last motion is filed on that date. Whatever is filed would
7 have to be filed sufficiently in advance to be able to be
8 acted on and have whatever discovery which results from that
9 be completed by May 24th.

10 June 7, 2002 is the date for exchange of direct
11 case exhibits, stipulations and a list of witnesses, if any,
12 to be called for oral examination. I will say something
13 about the exhibits shortly.

14 June 17, 2002 will be notification of witnesses
15 desired for cross-examination. Notification may be made by
16 telephone or fax. If it is made orally, it has got to be
17 confirmed in writing.

18 June 24, 2002: will be the date for the
19 commencement of the Hearing. It will start at 9:30 a.m. in
20 the Commission's Washington, D.C. offices. If there is
21 going to be any rebuttal testimony, we will talk about that
22 at the conclusion of the Hearing and perhaps set a schedule
23 for that unless it is possible to do the rebuttal
24 immediately after the conclusion of the Hearing. But I
25 would assume -- I want to leave the Bureau's options open.

1 Now, with respect to exhibits, the June 7th date
2 is the date that everyone has to actually receive the
3 exhibits. So whatever method of transporting them you
4 choose, they have got to be in everybody's hands by that
5 date, including mine. Stick a number on every exhibit, a
6 number, a letter and a designation of the sponsoring
7 witnesses. Not sponsoring witnesses. The sponsoring party.
8 Alee Exhibit 1, Bureau Exhibit 1, et cetera.

9 I want a number on every page of every exhibit,
10 beginning with the number one. If there is an exhibit that
11 has got five documents in it, and each one of them starts
12 with the number one, I want numbers in circles on the bottom
13 numbering one consecutively to the end. So, if the five
14 documents total 100 pages, then the numbers will go 1 to
15 100. That way, when the witness is up on the stand and you
16 say turn to page 87, everybody has got page 87, and we are
17 not sitting to count. That is one of my pet peeves. If it
18 is not done, then you are going to get the documents -- you
19 are going to get the exhibits back, and I am going to ask
20 you to do them.

21 If official notice is requested of any materials,
22 they should be assembled in written form, properly
23 identified by source and given an exhibit number also, and
24 exchanged on the date set.

25 In addition, what I want is an index of exhibits

1 from all of the parties exchanging exhibits. The index
2 should contain a -- this is all going to be in writing. I
3 should have told you that before you started. The name of
4 the exhibit, the title of the exhibit, the number of pages.
5 If you put a cover page, you know, you do not have to count
6 the cover page. If you do not have a cover page, then you
7 count the first page. I want a little -- an identification
8 of the sponsoring witness in the index, so that everybody
9 knows who is sponsoring which exhibits. If it is more than
10 one people, then list more than one people. More than one
11 person.

12 If you can divide it up and say: This section will
13 be sponsored by A and this section will be sponsored by B,
14 that would be good -- anything that is going to help me
15 understand it and help the bureau prepare.

16 Any questions about that? Okay. If you do have
17 any procedural questions, if the Bureau does not object, I
18 do not mind you calling me up and asking me. But it is
19 strictly limited to procedural stuff. If the Bureau
20 objects, then I would say the same thing for the Bureau,
21 same thing for Mr. Evans, if he gets involved in this. You
22 can pick up the phone and call me and ask me procedural
23 stuff, but nothing relating to substance. But if anybody
24 objects to that, then I won't do it.

25 You do not have to decide today. If you want to

1 say -- for instance, if Mr. Hill has a question, you might
2 want to call Ms. Lancaster up and say: I have a question.
3 Do you mind if I call the judge about this, that, and the
4 other thing? Or you can make it a conference call. I don't
5 care.

6 Okay. Any questions about the dates or the other
7 stuff I talked about in terms of procedures?

8 MS. LANCASTER: Your Honor, I have one question,
9 not about the schedule or the procedures exactly. But when
10 you ask that everyone fax or e-mail everything that was to
11 be filed --

12 JUDGE STEINBERG: You can bring it down to my
13 office or slip it under my door or stick it in my mailbox.

14 MS. LANCASTER: I would ask that they also fax or
15 e-mail it to the Bureau. We have the same mail problem that
16 you do. I have received things months after they have been
17 filed, and have had problems with the secretary's office
18 even determining the dates of some documents being filed.

19 JUDGE STEINBERG: Yes. I would agree with that.

20 MR. HILL: And no objection. We are not immune
21 from the shortcomings of the U.S. mail system either. So if
22 there is anything critical, phone calls and/or faxes to us
23 would expedite responses to discovery and other things also.

24 JUDGE STEINBERG: Okay. Now when we go off the
25 record, I know -- I am going to find Ms. Lancaster's e-mail

1 address because it is in the index. But I will get yours
2 because what I plan to do is any of the orders that I issue,
3 I am just going to mark across the top "advance copy" and e-
4 mail them to you. I reserve the right -- sometimes I will
5 sign the thing and give it to the person that I give it to
6 to issue it. And then I will e-mail an advance copy. Then
7 I notice a typo. So I will change it. But I am not going
8 to change it after it has already been e-mailed.

9 So the official copy, I guess, will be the one
10 that you get in the mail from the Commission. The advance
11 copy is an unofficial copy. But it is possible -- not
12 probable, but it is possible that there might be a slight
13 change. In no instance will I say the motion is granted in
14 the advanced copy and then change it to denied.

15 MR. HILL: All right.

16 JUDGE STEINBERG: Although April 1st would have
17 been a good day to do that.

18 JUDGE STEINBERG: But we are past that. So I just
19 want to advise you that -- it has not happened yet, but I am
20 sure it will, where I will change something between --
21 something minor. But the ruling will be the same. Okay.

22 Anything else that we have to talk about this
23 morning, Mr. Hill?

24 MR. HILL: I can't think of anything, Your Honor.
25 We have set the schedule, discussed discovery. No. I

1 cannot think of anything this morning.

2 JUDGE STEINBERG: Okay.

3 MR. HILL: I did think of something. Generally,
4 how long will the Hearing day be? We start at 9:30 until?

5 JUDGE STEINBERG: I am tempted to impose a Wally
6 Miller day, you know, in honor of his presiding over the
7 Algereg case, and that would be like 6:00 a.m. to 7:00 or
8 8:00 p.m.

9 (Laughter)

10 MR. HILL: Thirty minutes off for lunch?

11 JUDGE STEINBERG: With 30 minutes for lunch and 10
12 minutes in the morning and 10 minutes in the afternoon to
13 take care of personal needs. But, generally, 9:30 we will
14 start, or 9 o'clock, and we will go to 4:00 or 4:30 because
15 my personal experience is that people -- and Judy Lancaster
16 has heard this before -- people tend to get testy around 4
17 o'clock. There are a lot more arguments at 4 o'clock than
18 there are at 9:00 in the morning.

19 However, if we need -- if the Hearing is going
20 very slowly, I am going to extend the day. If we need to
21 get a witness -- if we are close to finishing a witness, and
22 it is a matter of staying until 4:30 or 5:00, and everybody
23 is acting nicely, then we will extend the day for the
24 witness's convenience. But, generally, from 9:00 to 4:00.
25 Okay. Mr. De Jesus?

1 MR. DE JESUS: Your Honor, Mr. Hill had indicated
2 that he would -- you had stated that if there were
3 procedural issues, that if we didn't mind -- we certainly
4 don't mind. He suggested that he'd give us a call first and
5 we think that's appropriate. I'd just like to memorialize
6 that as an understanding.

7 JUDGE STEINBERG: Okay. Whatever you two decide.
8 And if the phone rings, I pick it up. Although I do have
9 caller ID, so sometimes I do not pick it up.

10 MR. HILL: To respond -- generally, I would try to
11 check with the Bureau. If it were something that I deem
12 fairly significant, an emergency situation and I couldn't
13 get you, but I would leave word.

14 JUDGE STEINBERG: I will just check something for
15 a minute. Okay. I was just checking the rules on petitions
16 for you to intervene and the 1.294. Of course, I am -- this
17 is something we used to do in our sleep but I guess you get
18 a little rusty. It is a four plus three pleading, and I
19 guess there is no reply. So the due date would be -- and if
20 it is mailed to one party, hand delivered or faxed to other
21 parties, then everybody gets the benefit of the extra three
22 days. That is where the four plus three comes in.

23 MR. EVANS: I actually would have hand delivered
24 it if I had realized that the Hearing was today. I thought
25 it was 10 days from now. I wish I had hand delivered it.

1 Then we could have resolved these issues now.

2 JUDGE STEINBERG: Okay. Mr. Evans, I will let you
3 -- is there anything more you want to talk about?

4 MR. EVANS: No. The dates are fine. If we're
5 allowed into the proceeding, I would try, if I possibly can,
6 to stick with the dates so that we don't have to come back
7 again.

8 JUDGE STEINBERG: Okay. I should say that there
9 might be a little flexibility within the dates. For
10 instance, if you all agree that you would rather do
11 something -- instead of making notification June 17th,
12 everybody agrees to the 20th, that is fine with me. I do
13 not want to object. Or if you want to exchange exhibits on
14 the 10th or 11th or 12th, and everybody agrees, that is fine
15 with me. You want to extend -- discovery, I might be a
16 little cranky on because I like to get that finished with.

17 But if everybody agrees to do what -- to complete
18 it on a different date, I am easy. I will go along with
19 that. And there is a little flexibility in the Hearing
20 date. I just want to stay away from mid-July and the last
21 two weeks of July because I am not going to be in a good
22 mood.

23 That has got nothing to do with my daughter
24 getting married. It has all got to do with paying for it.
25 Okay. And I probably should not put that on the record, but

1 she does not usually read the transcripts of prehearing
2 conferences.

3 (Laughter)

4 JUDGE STEINBERG: Okay. With that, let us recess
5 for the time being. If anybody else needs a conference,
6 call and I will try to talk you out of it. If I can't, then
7 we will have another conference.

8 Okay. We will go off the record now. Thank you.

9 (Whereupon, at 9:58 a.m., the Hearing in the
10 above-entitled matter was adjourned.)

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REPORTER'S CERTIFICATE

FCC DOCKET NO.: 02-28; File No.: 11025-CL-P-672-A-89

CASE TITLE: In the Matter of:
Application of ALEE CELLULAR COMMUNICATIONS
For Authorization to Construct Nonwire
Cellular System in Texas RSA 21 Market 672A

HEARING DATE: April 2, 2002

LOCATION: U. S. Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

I hereby certify that the proceedings and evidence are contained fully and accurately on the tapes and notes reported by me at the Hearing in the above case before the Federal Communications Commission.

Date: April 8, 2002

Charles Kera
CHARLES KERA
Official Reporter
Heritage Reporting Corporation
1220 L Street, N.W., Suite 600
Washington, D.C. 20005-4018

TRANSCRIBER'S CERTIFICATE

I hereby certify that the proceedings and evidence were fully and accurately transcribed from the tapes and notes provided by the above named reporter in the above case before the Federal Communications Commission.

Date: April 2, 2002

Mary Ellen Feinberg
Mary Ellen Feinberg
Official Transcriber
Heritage Reporting Corporation

PROOFREADER'S CERTIFICATE

I hereby certify that the transcript of the proceedings and evidence in the above referenced case that was held before the Federal Communications Commission was proofread on the date specified below

Date: April 2, 2002

Maureen Huber
Maureen Huber
Official Proofreader
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